



June 1, 2000

Mr. Leonard B. Smith
City Attorney
City of Cedar Park
P.O. Box 684633
Austin, Texas 78768

OR2000-2133

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 136937.

The City of Cedar Park received a request for the names and addresses of “current account holders receiving water service from the city of Cedar Park.” You seek to withhold the information responsive to the request under section 552.101 of the Government Code.

Section 552.101 requires withholding information made confidential by statute. Section 182.052(a) of the Utilities Code provides, with exceptions which do not appear to apply here, that a government-operated utility may not disclose personal information in a customer’s account record if the customer has requested that the information be kept confidential. Section 182.051(4) defines “personal information” as “an individual’s address, telephone number, or social security number.” You explain that “all customers whose personal information is subject to . . . [the] request has [sic] requested that the City maintain the confidentiality of their personal information.” Accordingly, you must withhold these customers’ addresses. However, you must release the requested customer names because a name is not “personal information” and therefore is not confidential under section 182.052(a) of the Utilities Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the

full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/ljp

Ref: ID# 136937

cc: Mr. Mario Guerrero
16415 Spotted Eagle Drive
Leander, Texas 78641
(w/o enclosures)